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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,618	08/16/2006	Kenichiro Yamauchi	071971-0709	3842
53080 7590 09/30/2009 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, NW WASHINGTON, DC 20005-3096			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 09/30/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/589,618

**Applicant(s)**

YAMAUCHI, KENICHIRO

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
- Paper No(s)/Mail Date 5/22/07, 8/16/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yahata et al (US 20040240856).

Regarding claim 1, Yahata discloses a stream converter, comprising:  
a first converter for receiving a bit stream conforming to a DVD-VR standard, converting data except for audio data in the bit stream into data conforming to a DVD-video standard, and outputting a resultant bit stream (sections 0363-0365); and  
a second converter for converting, when the audio data does not conform to the DVD-video standard, the audio data in the bit stream output from the first converter into data conforming to the DVD-video standard, and outputting a resultant bit stream (0357).

Regarding claim 10, Yahata teaches when the audio data is in a dual mono mode, or when the audio data has been coded by an MPEG audio algorithm, it is determined that the audio data is not in the format conforming to the DVD-video standard (section 0357).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahata in view of Yagi (7,149,414).

Regarding claims 2 and 4, Yahata fails to specifically teach a means for copying audio data and removing audio data. Yagi teaches a recording apparatus for recording audio stream having a editing means for copying data from one channel to other channel and removing the audio data from a channel (column 25, lines 5 to column 26, line 25). It would have been obvious to one of ordinary skill in the art to modify Yahata with Yagi by providing the second converter of the apparatus of

Yahata with an editing means as taught by Yagi in order to enhancing the capacity of the apparatus of Yahata in editing of audio data .

Regarding claims 3 and 5, Yahata as modified with Yagi teaches the second converter further includes a flag rewriting unit for receiving an audio pack, supplying a flag indicating mono as a flag indicating the number of channels in the audio pack, and outputting a resultant audio pack (column 26, lines 1-18).

Regarding claim 6, Yahata as modified with Yagi teaches the audio pack output from the channel removing unit includes a stuffing byte; the padding generator removes the stuffing byte and increases the length of the padding packet by the length of the stuffing byte (Yagi Figs. 9-11).

Regarding claim 7, Yahata as modified with Yagi further teaches a channel buffer for storing data of a channel to be removed by the channel removing unit in an input audio pack and outputting the data; and a complementary pack generator for generating and outputting an audio pack including the data output from the channel buffer and a stream ID different from that in an audio pack input to the second converter (Yagi, column 25, lines 30-45, line 60 to column 26, line 5).

5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahata in view of Linnartz (6,314,518).

Regarding claims 8 and 9, Yahata fails to specifically teach decoding the audio stream and then encoding the decoded audio stream. Linnartz teaches using a decoder for decoding a compressed audio stream and an encoder for encoding the

uncompressed audio stream (Fig. 3). It would have been obvious to one of ordinary skill in the art to modify Yahata with Linnartz by using a decoder for decoding the audio stream and an encoder to encode the decoded audio stream thereby converting the audio stream into a desired format .

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621

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